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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/764,543
Filing Date: January 18, 2001
Appellant(s): SPINKS ET AL.

A. John Pate (36,234)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 3/10/2005.

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Invention

The summary of invention contained in the brief is correct.

(6) Grounds of Rejection To Be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,721,818	NAKAMURA	4-2004

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-27, are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Nakamura, U.S. patent 6,721,818.

In considering claims 1 and 10, Nakamura teaches an apparatus and article of manufacture for physical detection and tracking of devices on a computer network, the apparatus comprising: a processor, or executing executable data structures, and a memory device operably connected to the processor for storing the executable data structures and associated operational data structures, (col. 2, lines 5-13); the executable and operational data structures comprising: a reporting module configured to query a network infrastructure device and obtain end point information corresponding to a first network device, and a correlation module configured to associate the end point connection information corresponding to the first network device to a location identifier corresponding to a physical location, (col. 2, lines 44-56).

In considering claims 2 and 11, Nakamura teaches the connection information comprising a port number. See col. 10, lines 35-41.

In considering claims 3 and 12, Nakamura teaches the reporting module comprising a communication module configured to transmit the end point connection information to a central database. See col. 16, lines 66-67, col. 17, lines 1-32.

In considering claims 4 and 13, Nakamura teaches the reporting module further comprising an update module configured to detect a change of end point connection information corresponding to the first network device. See col. 9, lines 57-67, col. 10, lines 1-2.

In considering claims 5 and 14, Nakamura teaches the reporting module further comprising an inventory module configured to detect a second network device local to the first network device and obtain end point information corresponding to the second network device. See col. 10, lines 51-53.

In considering claims 6 and 15, it is inherent that the apparatus and article of manufacture taught by Nakamura comprises a monitoring module configured to receive end point connection information from the reporting module. See col. 9, lines 57-67, col. 10, lines 1-2.

In considering claims 7 and 16, Nakamura teaches the correlation module further comprising a device recognition module configured to identify the nomenclature of the first network device based on product recognition records. See col. 19, lines 66-67, col. 20, lines 1-14.

In considering claims 8, 9, 17, and 18, the apparatus and article of manufacture taught by Nakamura further provides a means for the inventory module to detect and

transmit software and hardware configuration information corresponding to a first or second network device. See col. 2, lines 5-13.

In considering claim 19, Nakamura teaches a method for physical detection and tracking of devices on a computer network, the method comprising: querying a network infrastructure device to obtain end point connection information corresponding to a first network device, (col. 2, lines 44-56); reporting the end point connection information to a central database, (col. 16, lines 66-67, col. 17, lines 1-32); associating the end point connection information corresponding to the first network device to a location identifier corresponding to a physical location, (col. 17, lines 62-67, col. 18, lines 1-45).

In considering claim 20, Nakamura teaches the connection information comprising a port number. See col. 10, lines 35-41.

In considering claim 21, Nakamura teaches the central database comprising device records storing end point connection information corresponding to network devices. See col. 19, lines 66-67, col. 20, lines 1-4.

In considering claim 22, it is inherent in the method taught by Nakamura that upon detecting a change of end point connection information corresponding to the first network device, updating the central database to reflect the change. See col. 9, lines 57-67, col. 10, lines 1-2. Also see col. 16, lines 66-67, col. 17, lines 1-32.

In considering claim 23, Nakamura teaches detecting a second network device local to the first network device and obtaining end point information corresponding to the second network device. See col. 10, lines 51-53.

In considering claim 24, Nakamura teaches identifying the nomenclature of the first network device based on product recognition records stored in the central database. See col. 19, lines 66-67, col. 20, lines 1-14.

In considering claims 25 and 27, the method taught by Nakamura further provides a means for detecting software and hardware configuration information corresponding to a first or second network device. See col. 2, lines 5-13.

In considering claim 26, Nakamura teaches transmitting the software and hardware configuration information corresponding to the first network device to a central database. See col. 19, lines 66-67, col. 20, lines 1-14.

(10) Response to Argument

With regards to claims 1, 7, 10, 16, and 19-27, Appellants argue on page 4, item 1 in the appeal brief, that Nakamura does not disclose a reporting module configured to query a network infrastructure device. Appellants argue that the dictionary definition of "infrastructure" is "the underlying foundation or basic framework", and in using such a definition, Appellant's "network infrastructure device" is a device that forms the underlying foundation or basic framework of a network. Examiner notes the original definition relied upon by Appellants concerning a "network infrastructure device", (see Appellants disclosure of the invention, page 13, lines 15-16).

In this passage Appellants define a network infrastructure device as "**any intelligent network device** including **without limitation** a switch, a router, a hub, or the like." While the Appellant states that switches, routers, hubs, and the like may be

considered network infrastructure devices, nowhere is it indicated in the claims, or in the Appellants disclosure that network infrastructure devices are limited to devices such as switches, routers, hubs, and the like. Instead, such devices are merely included in the Appellants definition of a network infrastructure device, which Appellant broadly defines as "any intelligent network device".

Since the Appellant failed to significantly narrow definition/scope of the claims, and since the claims are read in light of the specification, and since the Appellant is permitted to be their own lexicographer, Examiner believed Appellant intended broad interpretation to be given to the claims. Accordingly, the Examiner interpreted the "electronic apparatus" disclosed by Nakamura (col. 2, lines 44-56), to be the "network infrastructure device" claimed by the Appellant. One of ordinary skill in the art would readily realize that the electronic apparatuses, devices, and nodes taught by Nakamura are all "intelligent network devices". Therefore, one of ordinary skill in the art would recognize that the electronic apparatuses, devices, and nodes taught by Nakamura are network infrastructure devices, as claimed by the Appellant.

Nevertheless, if Examiner is to utilize the dictionary definition of the term "infrastructure" submitted by Appellants, Examiner submits Nakamura further teaches such devices. Nakamura teaches outlets (101) as infrastructure devices, (col. 17, lines 33-35). These devices form the underlying foundation or basic framework of the network disclosed by Nakamura. The outlets taught by Nakamura are like switches, routers, and hubs since they relay data transmitted by devices located throughout the network, (col. 4, lines 24-35). Henceforth, it is clear Nakamura teaches a reporting

module configured to query a network infrastructure device as claimed by the Appellant, (col. 2, lines 44-56, and col. 18, lines 39-45).

Appellants argue on page 7, item 2, that Nakamura does not disclose a correlation module configured to associate end point connection information to a location. Examiner respectfully submits that Appellants have misinterpreted the prior art of record. As indicated in previous office actions, Examiner has interpreted the "requesting unit" to be the "correlation module" as claimed by the Appellants, and "position information specifically identifying the location of the queried electronic apparatus" to be "end point connection information corresponding to the first network device".

As an example, Appellants submit, "a correlation module may associate the end point connection information with the location identifier and learn that any device relaying port 1 of router 1 is located in office 201", (see appeal brief page 8, 1st paragraph). Examiner submits that similarly, Nakamura teaches a device (comprising a requesting unit, col. 2, lines 44-56) associating end point connection information for outlet (101) (A1, B1, C1, D1), with a location identifier (Room A, Room B, Room C, Room D), (col. 18, lines 39-52), and learning that any device relaying to the outlet is located in corresponding Rooms A, B, C, or D, (col. 19, lines 3-11). In contrast to Appellants interpretation of Nakamura, and similar to Appellants claimed invention, the teachings of Nakamura allow for a PC to be moved to a new office. When connected to the network in the new office, a reporting module loaded on the PC may query a

network infrastructure (101) asking for the PC's end point connection information, (col. 17, line 66 through col. 18, line 52).

With regards to claims 2 and 11, Appellants argue on page 9, section B, in the appeal brief, that Nakamura does not mention end point connection information comprising a port number of the network infrastructure device. In considering the claims with broad interpretation, Examiner asserts that Nakamura teaches nodes having communication ports (endpoint connections), and associated port numbers used to identify the nodes, (col. 10, lines 35-41). Using the dictionary definition of infrastructure given by the Appellants, the teachings of Nakamura further teach end point connection information comprising a port number (A1, B1, C1, D1), of a network infrastructure device (101).

With regards to claims 3 and 12, Appellants argue on page 9, section C, in the appeal brief, that Nakamura does not mention transmitting end point connection information to a database. Examiner asserts that PC (112) (comprising a reporting module, col. 2, lines 44-56) transmits end point connection information to a central database (2803), (col. 19, line 66 through col. 20, line 14). The end point information along with other types of information corresponding to nodes in the network is transmitted to the database and used to create a device map that shows the topology of the network, (col. 20, lines 15-18, Fig. 32).

With regards to claims 4 and 13, Appellants argue on page 9, section D, in the appeal brief, that Nakamura does not mention an update module detecting a change in end point connection information. While the Appellants agree that Nakamura teaches

detecting changes in configuration by noting any "change in the bias voltage that is applied to a communication port of each node", Appellants state changes in bias voltage and changes in query response are two separate things. Examiner notes that no where in the claims does it mention detecting a change in query response, instead the claims read, "...an update module configured to detect a change of end point connection information corresponding to the first network device." Examiner asserts that Nakamura teaches nodes detecting a change in end point connection information, (col. 9 line 57 through col. 10 line 2). As previously indicated, Nakamura teaches detecting the change in end point connection information in order to update the location of devices that may have been moved, (col. 17, line 66 through col. 18, line 52).

With regards to claims 5 and 14, Appellants argue on page 10, section E, in the appeal brief, that Nakamura does not mention an inventory module configured to detect a second network device local to the first network device and obtain end point connection information corresponding to the second network device. While the Appellants agree Nakamura teaches each node declares a parent-child relationship through their communication ports (col. 10, lines 51-53), Appellants feel such a disclosure is insufficient to anticipate the recited limitations. Examiner respectfully disagrees, and feels such a disclosure is sufficient to anticipate the recited claims since declaring the parent-child relationship facilitates creating an inventory of the network devices by establishing a device map showing the topology of the network, (col. 16, line 66 through col. 17, line 32, and col. 19, line 66 through col. 20, line 18).

With regards to claims 6 and 15, Appellants argue on page 10, section F, in the appeal brief, that Nakamura does not disclose querying a network infrastructure device to obtain end point connection information, and therefore cannot disclose a monitor configured to receive end point connection information from the reporting module. As explained hereinabove, Nakamura teaches querying a network infrastructure device to obtain end point connection information, (col. 2, lines 44-56, and col. 18, lines 39-45). Furthermore, Examiner asserts it is inherent that the teachings of Nakamura comprise a monitoring module configured to receive end point connection information from the reporting module, (col. 9, lines 57-67, col. 10, lines 1-2). In this passage it is clear that end point connection information is monitored in order to determine whether a node has been disconnected from the network, or powered off.

With regards to claims 8, 9, 17, and 18, Appellants argue on page 10, section G, in the appeal brief, that the teachings of Nakamura do not anticipate transmitting software configuration information. Examiner asserts that not only does Nakamura teach a means for transmitting software configuration information (col. 2, lines 5-13), Nakamura clearly shows transmitting software configuration information, (col. 20, lines 5-14). In this passage, Nakamura clearly shows transmitting communication protocol information corresponding to a node. One of ordinary skill in the art would readily realize that communication protocol information is also software configuration information.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Hassan Phillips
June 7, 2005

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